

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.105 OF 2016
IN
CRIMINAL APPEAL NO.335 OF 2015

Yadubahadur @ Yadu Manbahadur Singh		Applicant
<i>Versus</i>		
State of Maharashtra		Respondent

Mrs. Nasreen S.K. Ayubi, Appointed Advocate,
for the Applicant.

Mr. A.S. Shitole, A.P.P., for the Respondent-
State,.

CORAM : SMT. V.K. TAHILRAMANI, ACTING C.J. &
DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 12TH FEBRUARY 2016.

P.C. :

1. Heard both sides.

2. This application for bail is preferred by Original Accused No.2, who has been convicted for the offences punishable under Sections 302 and 392 of IPC and sentenced to suffer R.I. for life and R.I. for seven years with fine, respectively. At this stage, it may be stated that he is convicted for double murder of Ushaben, aged 74 years, and her grand-son Harsh, aged 12 years.

3. The co-accused was a juvenile working as Domestic Servant in the house of the Deceased. The case against the Applicant is though based on circumstantial evidence, there is strong evidence of recovery of gold ornaments of the Deceased at the instance of the present Applicant. The said recovery is proved through the evidence of PW-4 Panch Sudhir Nene and PW-5 Panch Prafulla Rao. There is also evidence of PW-6 Salim Umarali, who has seen the Applicant coming out of the flat on the day of incident. Further there is evidence of PW-11 Finger Print Expert Gangadas Jagtap proving that the chance finger prints found at the spot of incident was matching with the finger prints of the Applicant.

4. In our considered view, having regard to the strong, prima facie, evidence on record against the Applicant, coupled with the fact that during the trial also, he was not released on bail, his substantive sentence of imprisonment cannot be suspended. His application for bail, therefore, stands dismissed.

[DR. SHALINI PHANSALKAR-JOSHI, J.] [ACTING CHIEF JUSTICE]